



Patent  
Attorney Docket: 260/056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: )  
Jeff Nordstrom et al. ) Group Art Unit: To Be Assigned  
Serial No.: 09/754,014 ) Examiner: To Be Assigned  
Filed: January 3, 2001 )  
For: GENE EXPRESSION AND )  
DELIVERY SYSTEMS AND USES )

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. Applicant respectfully requests that a copy of form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

LA-207616.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

September 6, 2001  
Date of Deposit

Rachel Marquez

Name of Person Mailing Paper

Signature of Person Mailing Paper

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR 1.56, exists.

The patents, publication and other information disclosed in the attached PTO Form 1449 were previously cited by or submitted to the Office in the following application which this application relies for an earlier filing date under 35 U.S.C. § 120: U.S. Patent Application Serial No. 09/948,958, filed October 10, 1997. Accordingly, pursuant to 37 CFR 1.98(d), copies of the previously cited or submitted patents, publications, and other information listed in the attached PTO Form 1449 are not attached.

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES**

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. **12-2475**.

Respectfully submitted,

LYON & LYON LLP

Dated: September 6, 2001

By: 

Michael J. Wise  
Reg. No. 34,047



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
Suite 4700  
633 W. Fifth Street  
Los Angeles, CA 90071  
(213) 489-1600